

SMB
7/31/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

V.

Agustin GONZALEZ-Alvarado

Defendant.

Magistrate Case No. 08 JUL 31 AM 10: 09

'08 MJ 2344
 U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **May 24, 2008**, within the Southern District of California, defendant, **Agustin GONZALEZ-Alvarado**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent;
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31st DAY OF July 2008.

J. M. Miller
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On May 24, 2008, the defendant, Agustin GONZALEZ-Alvarado, was arrested by the La Mesa Police Department for violation of Section 11350(A), of the California Health and Safety Code: "Possession of a narcotic controlled substance" and booked into San Diego County Jail. An Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody.

On July 30, 2008, the defendant was referred from local custody to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. An Immigration Enforcement Agent reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico who was previously deported or removed from the United States.

A thorough review of official immigration computer database record checks revealed the defendant was most recently ordered removed or deported from the United States by an Immigration Judge on June 23, 2005; and removed to Mexico on that same day via the San Ysidro, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States lawfully.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Agustin GONZALEZ-Alvarado, a citizen and national of Mexico.